IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE FIFTEENTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE C.V.RAMULU

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WRIT PETITION NO : 33555 of 1998

Between:

Dr. J. Sunita Sharma, W/o Sri L.A. Vijay,
R/o Hyderabad.

..... PETITIONER

AND

1 State Of Andhra Pradesh, Rep. by its Secretary to Government,
Education Department , Secretariat, Hyderabad.
2 The Commissioner of Collegiate Education,
Andhra Pradesh, Hyderabad.
3 The Secretary,
College Service Commission, Andhra Pradesh, Hyderabad.
4 The Secretary and Correspondent,
Sarojini Naidu Vanita Maha Vidyalaya, Hyderabad.
(No relief is sought against 4th respondent).

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue an appropriate Writ or order or direction more particularly one in the nature of Writ of Mandamus declaring as illegal arbitrary and in violation of provisions of Articles 14, 16 and 21 of the Constitution of India the action of the Respondents 1 to 3 in not issuing orders regularising the services of the Petitioner as Lecturer in English in the 4th respondent College and issue a consequential direction to respondents 1 to 3 to forthwith regularise the services of the petitioner as Lecturer in English in the 4th respondent College.

Counsel for the Petitioner: MR. D.V.SITARAMAMURTHY

Counsel for Respondents: GOVERNMENT PLEADER FOR HIGHER EDUCATION

The Court made the following:

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ORDER:

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This writ petition is filed seeking a Mandamus declaring the action of respondents 1 to 3 in not issuing orders regularizing the services of the petitioner as Lecturer in English Department in the fourth respondent-College as arbitrary, illegal and violative of the provisions of Articles 14, 16 and 21 of the Constitution of India.

It is the case of the petitioner that she joined as a Lecturer in English Department in the month of July, 1987 in the fourth respondent College, Hyderabad. Her grievance is that she is entitled to be considered for regular appointment under G.O.Ms.No.302 Education dated
23-08-1991, under which the procedure for regularizing Part-time Lecturers was prescribed. In fact, the Management sent proposals for regularization of her services along with five other persons. The services of other five persons, whose names were recommended along with the petitioner, were regularized, whereas the case of the petitioner was not considered. The same is arbitrary and illegal.

A detailed counter affidavit has been filed on behalf of the first respondent denying the allegations made by the petitioner. However, it is stated that one Smt. V.Rajitha, a part-time Lecturer in English, whose case was rejected for regularization, filed W.P.No.14118 of 1996 before this Court and Smt. V.Rajitha filed additional counter in W.P.No.14118 of 1996 stating that the petitioner herein was handling P.G. Classes, which is unaided. Under those circumstances, the case of the petitioner could not be considered. However, in W.P.No.15197 of 2000 filed by Smt. V.Rajitha, a detailed counter affidavit has been filed by the Government saying that the case of the petitioner and one Smt. B.Sudha was considered and their services have been regularized and the said Smt. V.Rajitha was not entitled for regularization. In view of the stand taken by the first respondent in W.P.No.15197 of 2000, the cause of action in this writ petition does not survive and the same is liable to be closed.

The writ petition is closed. No order as to costs.

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C.V.RAMULU, J

15th June, 2005.

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ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Secretary to Government, Education Department, State of Andhra Pradesh, Secretariat, Saifabad, Hyderabad.
2. The Commissioner of Collegiate Education, Andhra Pradesh, Hyderabad.
3. The Secretary, College Service Commission, Andhra Pradesh, Hyderabad.
4. The Secretary and Correspondent, Sarojini Naidu Vanita Maha Vidyalaya, Hyderabad.
5. Two CCs to the Government Pleader for Higher Education, High Court Buildings, Hyderabad (O.U.T).
6. Two CD copies.